

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brian J. Windsor *et al.*

Serial No.: 10/531,744

Filed: April 18, 2005

For: METHODS AND COMPOSITIONS FOR  
INCREASING THE EFFICACY OF  
BIOLOGICALLY-ACTIVE  
INGREDIENTS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: TEXG:010US

CERTIFICATE OF ELECTRONIC SUBMISSION

Date of Submission: August 21, 2006

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

**MAIL STOP PCT**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Notification of Defective Response dated July 21, 2006, for which the date for response is August 21, 2006. No extensions of time are available.

It is believed that no fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this paper; however, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No.: 50-1212/TEXG:010US.

### REMARKS

In response to the Notification of Defective Response dated July 21, 2006 (copy enclosed), Applicants respectfully advise that the **application does not contain any nucleotide or amino acid sequence disclosures; hence a sequence listing is not necessary.**

Applicants hereby submit that all requirements set forth in the Notification of Missing Requirements mailed on November 23, 2005 have been completed. Withdrawal of the Notification of Defective Response is thus respectfully requested.

Should the Examiner have any questions or comments regarding this matter, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,



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Date: August 21, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/531,744	Brian J Windsor	TEXG:010US

INTERNATIONAL APPLICATION NO.

PCT/US03/32667

I.A. FILING DATE

PRIORITY DATE

10/16/2003

10/16/2002

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CONFIRMATION NO. 2323

371 FORMALITIES LETTER



\*OC000000019702526\*

Date Mailed: 07/21/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 04/18/2005
- Preliminary Amendments filed on 04/18/2005
- Oath or Declaration filed on 01/23/2006
- Small Entity Statement filed on 04/18/2005
- U.S. Basic National Fees filed on 04/18/2005
- Priority Documents filed on 04/18/2005
- Power of Attorney filed on 05/26/2006
- Specification filed on 04/18/2005
- Claims filed on 04/18/2005
- Abstracts filed on 04/18/2005
- Drawings filed on 04/18/2005

FULBRIGHT &amp; JAWORSKI, LLP

IPT DOCKETING

Docketed ☒ Not Req'd ☐ Confirmation ☐Initials 1st *BJW* Initials 2nd *HM*

JUL 27 2006

Attorney

Docket No.

Action Req'd

Date Due

*MBW/REH/RJL*  
*TEXG: 010US*  
*1 mo. response (w/out)*  
*extensions due 8/21/06*

Applicant's response filed 05/26/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/23/2005 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825 (d). If applicant desires the sequence listing in the instant application to be identical with that of another

application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/531,744	PCT/US03/32667	TEXG:010US